

90<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 6784

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 1967

Mr. DANIELS introduced the following bill; which was referred to the Committee on Post Office and Civil Service

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## A BILL

To amend subchapter III of chapter 83 of title 5, United States Code.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 8331 of title 5, United States Code, is  
4       amended—

5               (1) by amending paragraph (8) to read:

6               “(8) ‘lump-sum credit’ means the unrefunded  
7       amount consisting of—

8               “(A) retirement deductions made from the  
9       basic pay of an employee or member; plus

10              “(B) amounts deposited by an employee or  
11       member covering earlier service; less

1           “(C) for the purpose of section 8342 (a) or  
2           (d) of this title, in the case of an employee who  
3           after 1967 is separated from service, transferred to  
4           a position in which he does not continue subject to  
5           this subchapter, or dies, the tax equivalent; plus

6           “(D) interest thereon at 4 per centum a year  
7           to December 31, 1947, and 3 per centum a year  
8           thereafter compounded annually to December 31,  
9           1956, or, in the case of an employee or member  
10          separated from the service or transferred to a posi-  
11          tion in which he does not continue subject to this  
12          subchapter before he has completed five years of  
13          civilian service, to the date of the separation or  
14          transfer;

15          but does not include interest—

16               “(i) if the service covered thereby aggregates  
17               one year or less; or

18               “(ii) for the fractional part of a month in the  
19               total service;”;

20           (2) by striking out “and” at the end of para-  
21          graph (15) ;

22           (3) by striking out the period at the end of para-

1 graph (16) and inserting a semicolon in place thereof;  
2 and

3 (4) by inserting the following new paragraphs  
4 after paragraph (16) :

5 “(17) ‘tax equivalent’ means an amount equal to  
6 the taxes which would have been payable (but which  
7 have not been paid) under section 3101 of title 26, with  
8 respect to service after June 30, 1966, in which the  
9 employee was subject to this subchapter or an earlier  
10 corresponding statute, if the basic pay received by him  
11 for that service had at the time constituted remuneration  
12 for employment for the purpose of subchapter II of  
13 chapter 7 of title 42. As used in this paragraph, ‘serv-  
14 ice’ does not include (A) any period of service that  
15 terminated before the second month following the month  
16 of enactment of this amendment or (B) service per-  
17 formed by an alien outside the United States, the Com-  
18 monwealth of Puerto Rico, the Virgin Islands, Guam,  
19 and American Samoa; and

20 “(18) ‘minimum annuity base’ means the greater  
21 of (A) \$48 times full years of service not exceeding  
22 twenty-five or (B) the amount in column II on the

4

- 1 line on which in column I of the following table appears
- 2 the average pay of the employee:

"TABLE FOR DETERMINING MINIMUM ANNUITY BASE AND FAMILY MAXIMUM

I (Average pay)		II (Minimum annuity base)	III (Family maximum)
If an employee's average pay (as determined under paragraph (4) of this subsection) is--		The amount referred to in this paragraph is--	And the amount referred to in section 8339(o) is--
At least--	But less than--		
	\$1,176	\$840	\$1,260
\$1,176	1,200	864	1,284
1,200	1,224	876	1,308
1,224	1,236	888	1,332
1,236	1,260	900	1,344
1,260	1,284	912	1,380
1,284	1,296	936	1,404
1,296	1,320	948	1,416
1,320	1,368	960	1,440
1,368	1,428	972	1,464
1,428	1,476	996	1,488
1,476	1,536	1,008	1,512
1,536	1,596	1,020	1,536
1,596	1,644	1,032	1,548
1,644	1,704	1,044	1,572
1,704	1,764	1,068	1,596
1,764	1,812	1,080	1,620
1,812	1,872	1,092	1,644
1,872	1,932	1,104	1,668
1,932	1,980	1,128	1,692
1,980	2,040	1,140	1,704
2,040	2,100	1,152	1,728
2,100	2,148	1,164	1,752
2,148	2,208	1,188	1,776
2,208	2,268	1,200	1,800
2,268	2,328	1,212	1,848
2,328	2,376	1,224	1,896
2,376	2,436	1,236	1,944
2,436	2,496	1,260	1,992
2,496	2,544	1,272	2,028
2,544	2,604	1,284	2,076
2,604	2,664	1,296	2,124
2,664	2,712	1,320	2,160
2,712	2,772	1,332	2,208
2,772	2,832	1,344	2,256
2,832	2,880	1,356	2,292
2,880	2,940	1,380	2,340
2,940	3,000	1,392	2,388
3,000	3,048	1,404	2,424
3,048	3,108	1,416	2,472
3,108	3,168	1,428	2,520
3,168	3,210	1,452	2,568
3,216	3,276	1,464	2,616
3,276	3,336	1,476	2,664
3,336	3,384	1,488	2,700
3,384	3,444	1,512	2,748
3,444	3,504	1,524	2,796
3,504	3,552	1,536	2,832
3,552	3,612	1,548	2,880
3,612	3,672	1,572	2,928
3,672	3,720	1,584	2,964
3,720	3,780	1,596	3,012
3,780	3,840	1,608	3,060
3,840	3,888	1,620	3,096
3,888	3,948	1,644	3,144
3,948	4,008	1,656	3,192
4,008	4,056	1,668	3,240
4,056	4,116	1,680	3,288
4,116	4,176	1,704	3,336
4,176	4,224	1,716	3,372
4,224	4,284	1,728	3,420
4,284	4,344	1,740	3,468
4,344	4,392	1,764	3,504
4,392	4,452	1,776	3,552
4,452	4,512	1,788	3,600
4,512	4,560	1,800	3,636
4,560	4,620	1,824	3,684
4,620	4,680	1,836	3,732
4,680	4,728	1,848	3,780
4,728	4,788	1,860	3,816
4,788	4,848	1,872	3,864
4,848	4,896	1,896	3,912
4,896	4,956	1,908	3,960
4,956	5,016	1,920	4,008
5,016	5,064	1,932	4,044
5,064	5,124	1,944	4,092
5,124	5,184	1,956	4,140
5,184	5,244	1,980	4,188
5,244	5,292	1,992	4,224
5,292	5,353	2,004	4,272
5,352	5,412	2,016	4,320

"TABLE FOR DETERMINING MINIMUM ANNUITY BASE AND FAMILY MAXIMUM—Con.

I (Average pay)		II (Minimum annuity base)	III (Family maximum)
If an employee's average pay (as determined under paragraph (4) of this subsection) is—		The amount referred to in this paragraph is—	And the amount referred to in section 8339(o) is—
At least—	But less than—		
\$5,412	\$5,460	\$2,028	\$4,344
5,460	5,520	2,040	4,368
5,520	5,580	2,052	4,392
5,580	5,628	2,076	4,404
5,628	5,688	2,088	4,428
5,688	5,748	2,100	4,452
5,748	5,796	2,112	4,476
5,796	5,856	2,124	4,500
5,856	5,916	2,136	4,524
5,916	5,964	2,148	4,536
5,964	6,024	2,172	4,560
6,024	6,084	2,184	4,584
6,084	6,132	2,196	4,608
6,132	6,192	2,208	4,632
6,192	6,252	2,220	4,656
6,252	6,300	2,232	4,680
6,300	6,360	2,256	4,704
6,360	6,420	2,268	4,728
6,420	6,468	2,280	4,740
6,468	6,528	2,292	4,764
6,528	6,588	2,304	4,788
6,588	6,624	2,316	4,800
6,624	6,672	2,328	4,824
6,672	6,720	2,340	4,848
6,720	6,756	2,352	4,860
6,756	6,804	2,364	4,872
6,804	6,840	2,376	4,896
6,840	6,888	2,388	4,908
6,888	6,924	2,400	4,920
6,924	6,972	2,412	4,944
6,972	7,008	2,424	4,956
7,008	7,056	2,436	4,980
7,056	7,104	2,448	4,992
7,104	7,140	2,460	5,016
7,140	7,188	2,472	5,028
7,188	7,224	2,484	5,040
7,224	7,272	2,496	5,064
7,272	7,308	2,508	5,076
7,308	7,356	2,520	5,100
7,356	7,404	2,532	5,112
7,404	7,440	2,544	5,136
7,440	7,488	2,556	5,148
7,488	7,524	2,568	5,160
7,524	7,572	2,580	5,184
7,572	7,608	2,592	5,196
7,608	7,656	2,604	5,220
7,656	7,704	2,616	5,232
7,704	7,740	2,628	5,256
7,740	7,788	2,640	5,268
7,788	7,824	2,652	5,280
7,824	7,872	2,664	5,304
7,872	7,908	2,676	5,316
7,908	7,956	2,688	5,340
7,956	7,992	2,700	5,352
7,992	8,040	2,712	5,376
8,040	8,088	2,724	5,388
8,088	8,124	2,736	5,400
8,124	8,172	2,748	5,424
8,172	8,208	2,760	5,436
8,208	8,250	2,772	5,460
8,256	8,292	2,784	5,472
8,292	8,340	2,796	5,496
8,340	8,388	2,808	5,508
8,388	8,424	2,820	5,520
8,424	8,472	2,832	5,544
8,472	8,520	2,844	5,568
8,520	8,568	2,856	5,580
8,568	8,604	2,868	5,592
8,604	8,652	2,880	5,616
8,652	8,700	2,892	5,640
8,700	8,748	2,904	5,652
8,748	8,796	2,916	5,676
8,796	8,832	2,928	5,688
8,832	8,880	2,940	5,712
8,880	8,928	2,952	5,724
8,928	8,976	2,964	5,748
8,976	9,012	2,976	5,760
9,012	9,060	2,988	5,784
9,060	9,108	3,000	5,796
9,108	9,156	3,012	5,820
9,156	9,204	3,024	5,832
9,204	9,240	3,036	5,856
9,240	9,288	3,048	5,868
9,288	9,336	3,060	5,892
9,336	9,384	3,072	5,904
9,384	9,432	3,084	5,928
9,432	9,468	3,096	5,940
9,468	9,516	3,108	5,964
9,516	9,564	3,120	5,976

"TABLE FOR DETERMINING MINIMUM ANNUITY BASE AND FAMILY MAXIMUM—Con.

I (Average pay)		II (Minimum annuity base)	III (Family maximum)
If an employee's average pay (as determined under paragraph (4) of this subsection) is—		The amount referred to in this paragraph is—	And the amount referred to in section 8339(o) is—
At least—	But less than—		
\$9,564	\$9,612	\$3,132	\$6,000
9,612	9,660	3,144	6,024
9,660	9,696	3,156	6,036
9,696	9,744	3,168	6,048
9,744	9,792	3,180	6,072
9,792	9,840	3,192	6,096
9,840	9,888	3,204	6,108
9,888	9,924	3,216	6,120
9,924	9,972	3,228	6,144
9,972	10,020	3,240	6,168
10,020	10,068	3,252	6,180
10,068	10,116	3,264	6,204
10,116	10,152	3,276	6,216
10,152	10,200	3,288	6,240
10,200	10,248	3,300	6,252
10,248	10,296	3,312	6,276
10,296	10,344	3,324	6,288
10,344	10,380	3,336	6,318
10,380	10,428	3,348	6,324
10,428	10,476	3,360	6,348
10,476	10,524	3,372	6,360
10,524	10,572	3,384	6,384
10,572	10,608	3,396	6,396
10,608	10,656	3,408	6,420
10,656	10,704	3,420	6,432
10,704	10,752	3,432	6,456
10,752	10,800	3,444	6,480
10,800		3,456	6,480"

1 SEC. 2. Section 8332 of title 5, United States Code, is  
2 amended by adding at the end thereof the following new  
3 subsection:

4 “(1) In the case of an employee who after 1967 is  
5 separated from the service or transferred to a position in  
6 which he does not continue subject to this subchapter, if, at  
7 the time he or any of his survivors makes timely application  
8 for monthly benefits or a lump-sum death payment under  
9 subchapter II of chapter 7 of title 42 on the basis of his  
10 wages and self-employment income, neither he nor any of  
11 his survivors is entitled to immediate or deferred annuity  
12 under this subchapter on the basis of his Government service,  
13 that service after June 30, 1966, may not thereafter be con-  
14 sidered service for the purpose of this subchapter. On request

1 by the Secretary of Health, Education, and Welfare in con-  
 2 nection with any determination under subchapter II of  
 3 chapter 7 of title 42, the Civil Service Commission shall  
 4 furnish a record of civilian service after June 30, 1966, in  
 5 which an employee was subject to this subchapter or an  
 6 earlier corresponding statute, and the basic pay attaching to  
 7 that service, and shall certify whether the separated or trans-  
 8 ferred employee or any of his survivors is entitled to im-  
 9 mediate or deferred annuity under this subchapter on the  
 10 basis of that service."

11 SEC. 3. Section 8339 of title 5, United States Code, is  
 12 amended by adding at the end thereof the following new  
 13 subsections:

14 "(1) If after 1967 an employee retires under section  
 15 8336 or 8337 of this title, his annuity is at least the smallest  
 16 of—

17 "(1) the minimum annuity base (as determined  
 18 under section 8331 (18) of this title) ;

19 "(2) the sum necessary to increase to the minimum  
 20 annuity base the product of twelve times any monthly  
 21 benefit under subchapter II of chapter 7 of title 42 to  
 22 which he is entitled or would be entitled on proper ap-  
 23 plication; or

24 "(3) 80 per centum of the average pay.

25 This subsection does not apply—

1           “(A) for any month before the month in which  
2           an employee retired under section 8336 becomes sixty-  
3           five years of age; or

4           “(B) to service performed by an alien outside the  
5           United States, the Commonwealth of Puerto Rico, the  
6           Virgin Islands, Guam, and American Samoa.

7           “(m) If after 1967 an employee dies after completing  
8           at least five years of civilian service, or an employee who  
9           retired after 1967 under section 8336 or 8337 of this title  
10          dies, the annuity granted to the widow or dependent widower  
11          under section 8341 (d) of this title or to the surviving spouse  
12          under section 8341 (b) of this title is at least the smallest of—

13           “(1) 75 per centum of the minimum annuity base  
14          for any month before the month in which the survivor  
15          becomes sixty-two years of age, and  $82\frac{1}{2}$  per centum  
16          of the minimum annuity base for any month thereafter;

17           “(2) the sum necessary to increase to the appli-  
18          cable percentage of the minimum annuity base set forth  
19          in paragraph (1) of this subsection the product of twelve  
20          times any monthly benefit under subchapter II of chap-  
21          ter 7 of title 42 to which the survivor is entitled or  
22          would be entitled on proper application; or

23           “(3) 80 per centum of the average pay.

24          This subsection does not apply to—

25           “(A) a surviving spouse under section 8341 (b)



1 of this title when the retired employee did not elect to  
2 provide a survivor annuity or elected one based on less  
3 than the full amount of his annuity;

4 “(B) the annuity of a widow, dependent widower,  
5 or surviving spouse for any month before the month in  
6 which he or she becomes sixty-two years of age, unless  
7 for any such month an annuity is payable under section  
8 8341 (e) of this title to at least one child of the em-  
9 ployee who is under eighteen years of age or is in-  
10 capable of self-support because of physical or mental  
11 disability incurred before age eighteen; or

12 “(C) service performed by an alien outside the  
13 United States, the Commonwealth of Puerto Rico, the  
14 Virgin Islands, Guam, and American Samoa.

15 “(n) If after 1967 an employee dies after completing  
16 at least five years of civilian service, or an employee who  
17 retired after 1967 under section 8336 or 8337 of this title  
18 dies, the annuity granted to each surviving child under sec-  
19 tion 8341 (e) of this title is at least the smallest of—

20 “(1) 75 per centum of the minimum annuity base;

21 “(2) the sum necessary to increase to 75 per  
22 centum of the minimum annuity base the product of  
23 twelve times any monthly benefit under subchapter II  
24 of chapter 7 of title 42 to which the child is entitled or  
25 would be entitled on proper application; or

1           “(3) 80 per centum of the average pay.

2 This subsection does not apply to service performed by an  
3 alien outside the United States, the Commonwealth of  
4 Puerto Rico, the Virgin Islands, Guam, and American  
5 Samoa.

6           “(o) When the total of annuities otherwise payable to  
7 all survivors of an employee or of a retired employee is  
8 greater than—

9           “(1) the amount appearing in column III of the  
10 table in section 8331 (18) of this title on the line on  
11 which appears in column II the lowest amount which is  
12 at least equal to his minimum annuity base; less

13           “(2) the product of twelve times the sum of all  
14 monthly benefits under subchapter II of chapter 7 of  
15 title 42 to which all the survivors are entitled or would  
16 be entitled on proper application;

17 the total of annuities computed under subsections (m) and  
18 (n) of this section may not exceed the difference between  
19 items (1) and (2) of this subsection, and each annuity is  
20 reduced proportionately. However, this subsection does not  
21 reduce the annuity of a survivor computed without regard to  
22 subsections (m) and (n) of this section. This subsection  
23 does not apply to service performed by an alien outside the  
24 United States, the Commonwealth of Puerto Rico, the Vir-  
25 gin Islands, Guam, and American Samoa.”

Approved For Release 2001/08/28 : CIA-RDP71B00364R000500120011-8

90TH CONGRESS  
1ST SESSION

**H. R. 6784**

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**A BILL**

To amend subchapter III of chapter 83 of  
title 5, United States Code.

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By Mr. DANIELS

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MARCH 8, 1967

Referred to the Committee on Post Office and Civil  
Service

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